

**REMARKS**

Upon entry of this amendment, claims 1-3, 5-14, and 16-20 will be pending in this application.

Claims 1-3, 5-14, and 16-20 have been amended for greater clarity and claims 4 and 15 have been canceled. Support for the amendments to claim 1 may be found ,for example, in paragraphs [0031] and [0032] of applicants' specification.

**Rejection under 35 U.S.C. §103(a)**

Applicants respectfully request withdrawal of the rejection of claims 1-3, 5-14, and 16-20 under 35 U.S.C. §103(a) over U.S. Patent No. 3,391,003 to Armstrong et al. (Armstrong et al.) in view of Desrosier, Elements of Food Technology, pages 549-557, AVI Publishing Co., Inc., Westport, CT (1977) (Desrosier).

Claim 1 is directed to processes for the preparation of a free-flowing granular sugar ingredient suitable for forming compressed confections. Among other things, the process requires (i) feeding granulated sucrose and a solution of corn syrup to a **screw-fed mixer**; (ii) discharging the wet mixture to a comminutor to break up lumps; (iii) feeding the comminuted wet mixture to a **drier** to produce a dried mixture; (iv) feeding the dried mixture to a sieve; and (v) recovering sieved granules of sucrose bound together by corn syrup solids.

Armstrong et al. disclose a process of "wetting, agglomerating and drying powdered products such as sugar almost instantaneously in a single treatment zone eliminating any need to transfer the wet sticky aggregates from an agglomerating zone to a drying zone." Armstrong et al., U.S. Patent No. 3,391,003 at column 1, line 72 to column 2, line 4. Armstrong et al. carry out these steps in a fluidized bed.

The process defined by claim 1 bears little resemblance to the process disclosed by Armstrong et al. Claim 1 requires that the sucrose and the corn syrup be mixed in a screw-fed mixture; Armstrong et al. mix their materials in a fluidized bed. Claim 1 requires that the **wet** mixture discharged from the screw-fed mixture be comminuted before it is later dried in a drier. Armstrong et al. carry out the agglomeration and drying steps, **almost instantaneously** in a single treatment zone.

Desrosier merely describes various sweeteners (e.g., sucrose and corn syrup) that may be used in various food products, including confections and chewing gums. Desrosier does not describe a process for preparing a free-flowing granular sugar ingredient derived from sucrose and corn syrup.

Contrary to the Office's contention, a person of ordinary skill could not have arrived at the invention defined by claim 1 by merely substituting corn syrup as described in Desrosier for the invert sugar solution utilized in Example 3 of Armstrong et al. If this substitution were made, the operation would be carried out in a fluidized bed with the agglomeration and drying occurring almost instantaneously in fluidized bed **instead** of in the equipment and sequence required by claim 1. It is well established that a reference must be considered in its entirety and, in this instance, Armstrong et al.'s primary objective was to wet, agglomerate, and dry the material almost instantaneously in the same treatment zone. In view of these differences, the subject matter of claim 1 cannot properly be found to be obvious in view of the disclosures of Armstrong et al. and Desrosier.

Like claim 1, claims 5 and 11 also require (i) feeding granulated sucrose and a solution of corn syrup to a **screw-fed mixer**; (ii) discharging the wet mixture to a comminutor to break up lumps; (iii) feeding the comminuted wet mixture to a **drier** to produce a dried mixture; (iv) feeding the dried mixture to a sieve; and (v) recovering sieved granules of sucrose bound together by corn syrup solids. Thus, the subject matter of claims 5 and 11 are distinguishable for the same reasons as those stated with respect to claim 1 and by reason of the additional requirements which they introduce.

Based on the foregoing, applicants respectfully submit claims 1-3, 5-14, and 16-20 are patentable over the cited references.

In view of the above, favorable reconsideration of allowance of all pending claims are respectfully solicited.

Applicants do not believe any fees are due in connection with the timely submission of this Amendment, but the Commissioner is hereby authorized to charge any fees due in connection with this Amendment to Deposit Account No. 19-1345.

Respectfully submitted,

/Andrew C. Wegman/

Andrew C. Wegman, Reg. No. 54,530  
SENNIGER POWERS  
One Metropolitan Square, 16th Floor  
St. Louis, Missouri 63102  
(314) 231-5400

ACW/skb

Via EFS